

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

PEDRO PAREDES, JR.

VS.

NAVJOT SINGH, BODKIN LEASING  
CORP. and TRISTAR CARRIERS, LTD.

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CIVIL ACTION NO. 5:20cv111

**DEFENDANTS' NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF TEXAS, SAN ANTONIO DIVISION:

TRISTAR CARRIERS, LTD., BODKIN LEASING CORP. and NAVJOT SINGH  
(hereinafter "DEFENDANTS"), file this Notice of Removal under *28 U.S.C. §§ 1441, 1446, and*  
*1332*, and show the following:

**I.**  
**INTRODUCTION**

1.1 On November 20, 2019, Plaintiff PEDRO PAREDES, JR. filed a personal injury lawsuit in the 47th District Court of Webb County, Texas, against Defendants TRISTAR CARRIERS, LTD., BODKIN LEASING CORP. and NAVJOT SINGH in Cause No. 2019CVA002315-D1. Plaintiff alleges that he suffered injuries from a motor vehicle accident on the Bob Bullock Loop in Laredo, Texas when he alleges that NAVJOT SINGH while operating a truck owned and/or leased by BODKIN LEASING, CORP. and TRISTAR CARRIERS, LTD. attempted a right turn from the wrong lane and caused a collision with Plaintiff's vehicle. Plaintiff's petition alleges unspecific injuries from the accident. *Id.* at Paragraph VII. His damage

claims include past and future medical expenses, past and future physical pain and suffering, past and future mental pain, past and future mental suffering, past and future mental anguish, past and future physical impairment, past lost wages, and lost earning capacity in the future. *Id.* at Paragraph VII. Plaintiff has plead for damages in excess of \$1,000,000.00. *Id.* At Paragraph VII.

1.2 The state court action is one over which this Court has original jurisdiction under the provisions of 28 U.S.C. §1332, and is one which may be removed to this Court by Defendants pursuant to the provisions of 28 U.S.C. §1441, in that it is a civil action wherein the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between citizens of different states.

1.3 Service of Citation of Plaintiff's Original Petition on Defendant Tristar Carriers, Ltd. was executed on December 30, 2019. *See Exhibit B, Service of Process Transmittal.*

1.4 Defendants Tristar Carriers, Ltd., BODKIN LEASING CORP. and NAVJOT SINGH filed their Original Answer in the state court action on January 29, 2020. *See Exhibit C, Defendant Tristar Carriers, Ltd., BODKIN LEASING CORP. and NAVJOT SINGH Original Answer to Plaintiff's Original Petition.*

1.5 Defendant Tristar Carriers, Ltd., BODKIN LEASING CORP. and NAVJOT SINGH filed their Jury Demand in the state court action on January 29, 2020. *See Exhibit D, Defendant's Jury Demand; Exhibit E, State Court Docket Sheet.*

## **II.** **THE PARTIES**

2.1 Plaintiff is a Texas citizen, with his residence in Webb County, Texas, at the time this action commenced. *See Exhibit A, Plaintiff's Original Petition, Paragraph II.*

2.2 Defendants Tristar Carriers, Ltd. and BODKIN LEASING CORP. are Canadian

Corporations and with their principal places of business in Puslinch, Ontario, and NAVJOT SINGH is a resident of Ontario, Canada. *See Exhibit A, Plaintiff's Original Petition, Paragraph II.*

### **III.** **PROCEDURAL REQUIREMENTS FOR REMOVAL**

3.1 Removal is timely, as this notice is filed within thirty days of service on Defendants of summons and Plaintiff's Original Petition on December 30, 2019. *28 U.S.C. §1446(b)(1).*

3.2 Upon filing of this Notice of Removal, written notice of the filing is being given by Defendant Tristar Carriers, Ltd., BODKIN LEASING CORP. and NAVJOT SINGH to Plaintiff and Plaintiff's counsel as required by law. A copy of this Notice is also being filed with the Clerk of the Court in Webb County, Texas, where the cause was originally filed. *See Exhibit F, Defendant's Notice of Filing of Notice of Removal.* A copy of all processes, pleadings, and orders have been filed separately with this Court pursuant to *28 U.S.C. §1446(a).*

### **IV.** **VENUE**

4.1 Venue in this district is proper because the Western District of Texas, San Antonio Division, includes Webb County, where the alleged incident occurred, and where the original lawsuit is pending. *See Exhibit A, Plaintiff's Original Petition, Paragraph 4; 28 U.S.C. §1441(a).*

**V.**  
**JURISDICTIONAL BASIS FOR REMOVAL**

5.1 Removal is proper pursuant to 28 U.S.C. §1332 because there is complete diversity between the parties and the amount in controversy exceeds \$75,000.00.

5.2 Defendants TRISTAR CARRIERS, LTD., BODKIN LEASING CORP. and NAVJOT SINGH are not citizens or residents of the state of Texas.

5.3 Defendants TRISTAR CARRIERS, LTD. and BODKIN LEASING CORP. are Canadian Corporations with their principal places of business in Ontario, Canada. NAVJOT SINGH is a resident of Canada.

5.4 The injuries Plaintiff alleges in his Original Petition are substantial, including multiple parts of his body. *See supra, at §1.1.* Plaintiff pleaded extensive damages, including past and future elements of each damage category. Plaintiff has plead for damages exceeding \$1,000,000.00 *See id.* Thus, it is clear on the face of his petition that the amount in controversy in this case exceeds \$75,000. 28 U.S.C. §1446(c)(2).

**VI.**  
**JURY DEMAND**

6.1 Defendants Tristar Carriers, Ltd., Bodkin Leasing Corp. and Navjot Singh filed a jury demand in their Original State Court Answer. Defendants Tristar Carriers, Ltd., Bodkin Leasing Corp. and Navjot Singh hereby assert their right under the Seventh Amendment to the U.S. Constitution and demands, in accordance with Federal Rule of Civil Procedure 38, a trial by jury on all issues.

**VII.**

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Defendants Tristar Carriers, Ltd., Bodkin Leasing Corp. and Navjot Singh pray that this Notice of Removal be deemed sufficient and that proceedings attached hereto be removed from the 49th District Court of Webb County, Texas, to the docket of this Honorable Court.

Respectfully submitted,

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By: 

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State Bar No. 20421845  
S.D. Tx. No. 10959

COUNSEL FOR DEFENDANT  
TRISTAR CARRIERS, LTD.

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the above and foregoing was served by certified mail return receipt requested in accordance with Federal Rules of Civil Procedure on the 29th day of January 2020, to:

Andrew Toscano  
GENE TOSCANO, INC.  
846 Culebra Road  
San Antonio, Texas 78201  
Tel: 210/732-6091  
atoscano@genetoscano.com  
Attorneys for Plaintiff Pedro Paredes

  
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ROBERT A. VALADEZ

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**INDEX OF DOCUMENTS FILED WITH REMOVAL**

- A. Plaintiff's Original Petition
- B. Service of Process Transmittal
- C. Defendant Tristar Carriers, Ltd.'s Original Answer to Plaintiff's Original Petition
- D. Defendant Tristar Carriers, Ltd.' Jury Demand
- E. State Court Docket Sheet
- F. Defendant's Notice of Filing Notice of Removal

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